

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD)(SN) ECF Case

**DECLARATION IN SUPPORT OF MOTION FOR
ENTRY OF PARTIAL FINAL DEFAULT JUDGMENTS ON BEHALF
OF BURNETT/IRAN PLAINTIFFS IDENTIFIED AT EXHIBIT A**

(BURNETT / IRAN X)

JOHN M. EUBANKS, Esquire, hereby states under penalty of perjury that:

1. I am an attorney with the law firm of Motley Rice LLC, attorneys for the Plaintiffs in the above-captioned matters. I submit this Declaration in support of this motion on behalf of the Plaintiffs identified in Exhibit A (attached hereto) from the action titled *Burnett, et al., v. The Islamic Republic of Iran, et al.*, 15-cv-9903-GBD-SN (“Burnett/Iran”) (Collectively, the Plaintiffs identified in Exhibit A are hereinafter “the Burnett/Iran X Plaintiffs”).
2. The form of this motion and the relief requested herein are intended to comply with the following orders of this Court:

- a. The Court’s order dated January 24, 2017 (ECF No. 3435¹), requiring that “[a]ll further motions for final judgment against any defaulting defendant shall be accompanied by a sworn declaration attesting that the attorney has (1) complied with the due diligence safeguards [referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs’ Executive Committee (ECF No. 3433)] and (2) personally verified that no relief has previously been awarded to any plaintiff included in the judgment (or, if relief has been awarded, the nature of that relief).” For compliance with the required sworn declaration, please see paragraph 7, below.

¹ Unless indicated differently, citations to ECF Nos. are to the docket in *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN).

b. The Court's Orders dated October 14, 2016 and August 8, 2017 (ECF Nos. 3363 and 3676) concerning the amounts of solatium damage awards.

c. The Court's Order dated October 14, 2016 (ECF No. 3362) related to the cases captioned as *Bauer v. Al Qaeda Islamic Army*, 02-CV-7236 (GBD)(SN) and *Ashton v. al Qaeda Islamic Army*, 02-CV-6977 (GBD)(SN).

3. The form of this motion and the relief requested herein are also consistent with the form and relief requested and granted as to other plaintiffs in the *Burnett/Iran* action, in orders dated July 31, 2017, June 8, 2018, August 28, 2018, September 13, 2018, and September 4, 2018 at ECF Nos. 3666 (*Burnett/Iran I*), 4023 (*Burnett/Iran II*), 4126 (*Burnett/Iran III*), 4175 (*Burnett/Iran IV*), and 4146 (*Burnett/Iran V*).

4. The sources of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Burnett/Iran X* Plaintiffs in connection with the September 11th terror attacks, other court records relating to the *In re Terrorist Attack on September 11, 2001* multidistrict litigation to which these individuals are parties, my communications with other counsel for other plaintiffs in the *In re Terrorist Attack on September 11, 2001* multidistrict litigation, and conversations with these plaintiffs and the sworn statements of the plaintiffs attached hereto as Exhibits B through FF. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

5. The *Burnett/Iran* Plaintiffs identified in Exhibit A each have the functional equivalence of an "immediate family member" of decedents from the terrorist attacks on September 11, 2001, as indicated for each person on Exhibit A. In support of their entitlement to solatium damages, the *Burnett/Iran X* Plaintiffs have affirmed the details of their relationships to their respective decedents in the declarations attached hereto as Exhibits B through FF.

6. Exhibit B is a true and correct copy of the Declaration of Deborah L. Barrett detailing that she was the functional equivalent of a spouse to 9/11 decedent Brian Cummins.

7. Exhibit C is a true and correct copy of the Declaration of Theresa Bevilacqua detailing that she was functionally equivalent to a daughter to 9/11 decedent Stephen F. Masi.

8. Exhibit D is a true and correct copy of the Declaration of Susann Carol Brady detailing that she was the functional equivalent of a spouse to 9/11 decedent Gavin Cushny.

9. Exhibit E is a true and correct copy of the Declaration of Rebecca Change detailing that she was the functional equivalent of a child to 9/11 decedent Salvatore Fiumefreddo.

10. Exhibit F is a true and correct copy of the Declaration of Douglas C. Cleary detailing that he was the functional equivalent of a spouse to 9/11 decedent Elizabeth C. Logler.

11. Exhibit G is a true and correct copy of the Declaration of Cheryl D. Cooper detailing that she was the functional equivalent of a spouse to 9/11 decedent Donald A. Foreman.

12. Exhibit H is a true and correct copy of the Declaration of Mary Coughlin detailing that she was the functional equivalent of a spouse to 9/11 decedent Kevin W. Donnelly.

13. Exhibit I is a true and correct copy of the Declaration of Margaret E. Cruz detailing that she was the functional equivalent of a spouse to 9/11 decedent Patricia McAneney.

14. Exhibit J is a true and correct copy of the Declaration of John Cuccinello detailing that he was the functional equivalent of a child to 9/11 decedent William J. McGovern.

15. Exhibit K is a true and correct copy of the Declaration of William G. Dietrich detailing that he was the functional equivalent of a spouse to 9/11 decedent Karen Lynn Seymour.

16. Exhibit L is a true and correct copy of the Declaration of Robert Giallombardo detailing that he was the functional equivalent of a parent to 9/11 decedent Paul Richard Salvio.

17. Exhibit M is a true and correct copy of the Declaration of Veronica A. Glascoe detailing that she was the functional equivalent of a spouse to 9/11 decedent Keith A. Glascoe.

18. Exhibit N is a true and correct copy of the Declaration of Lisa C. Goldberg-McWilliams detailing that she was the functional equivalent of a spouse to 9/11 decedent Martin McWilliams.

19. Exhibit O is a true and correct copy of the Declaration of Lydeda Grant detailing that she was the functional equivalent of a child to 9/11 decedent Johnnie Doctor, Jr.

20. Exhibit P is a true and correct copy of the Declaration of Anthony Newsome detailing that he was the functional equivalent of a child to 9/11 decedent Johnnie Doctor, Jr.

21. Exhibit Q is a true and correct copy of the Declaration of Monica Ianelli detailing that she was the functional equivalent of a spouse to 9/11 decedent Joseph A. Ianelli.

22. Exhibit R is a true and correct copy of the Declaration of Frank G. Jensen detailing that he was the functional equivalent of a spouse to 9/11 decedent Suzanne M. Calley.

23. Exhibit S is a true and correct copy of the Declaration of Kerri Kelly detailing that she was the functional equivalent of a child to 9/11 decedent Joseph Leavey.

24. Exhibit T is a true and correct copy of the Declaration of Ina Leventhal detailing that she was the functional equivalent of a spouse to 9/11 decedent Joshua S. Vitale.

25. Exhibit U is a true and correct copy of the Declaration of Camille Nicole Martin detailing that she was the functional equivalent of a child to 9/11 decedent Charles Augustus Laurencin.

26. Exhibit V is a true and correct copy of the Declaration of Chelsea Rhea McCarthy detailing that she was the functional equivalent of a child to 9/11 decedent Kevin M. McCarthy.

27. Exhibit W is a true and correct copy of the Declaration of Rhonda McCleary detailing that she was the functional equivalent of a child to 9/11 decedent James Durward Cleere.

28. Exhibit X is a true and correct copy of the Declaration of Noreen V. McDonough detailing that she was the functional equivalent of a spouse to 9/11 decedent Mitchel Scott Wallace.

29. Exhibit Y is a true and correct copy of the Declaration of Vincent A. Milotta detailing that he was the functional equivalent of a spouse to 9/11 decedent Joann Tabbeek.

30. Exhibit Z is a true and correct copy of the Declaration of Catherine M. Nolan detailing that she was the functional equivalent of a spouse to 9/11 decedent Michael J. Armstrong.

31. Exhibit AA is a true and correct copy of the Declaration of Gina Pinos detailing that she was the functional equivalent of a spouse to 9/11 decedent James N. Pappageorge.

32. Exhibit BB is a true and correct copy of the Declaration of Cheryl Rinbrand detailing that she was the functional equivalent of a spouse to 9/11 decedent Daniel Maurice Van Laere.

33. Exhibit CC is a true and correct copy of the Declaration of Silveria Segura in both English and Spanish detailing that she was the functional equivalent of a spouse to 9/11 decedent Juan G. Salas.

34. Exhibit DD is a true and correct copy of the Declaration of Patricia Skic detailing that she was the functional equivalent of a spouse to 9/11 decedent Michael Matthew Miller.

35. Exhibit EE is a true and correct copy of the Declaration of Jose A. Franco-Suarez detailing that he was the functional equivalent of a child to 9/11 decedent Benjamin Suarez.

36. Exhibit FF is a true and correct copy of the Declaration of Joscelyn C. Franco-Suarez detailing that she was the functional equivalent of a child to 9/11 decedent Benjamin Suarez.

37. The solatium amounts set forth in Exhibit A are the figures this Court has previously determined appropriate for solatium damages based on familial relationship to the

decedent. *See, e.g.*, 03-md-1570, ECF Nos. 3175 at 2; 3300 at 1; 3358 at 9; 3363 at 16; 3399, 3666, 3676 at 13-14; 4023, and 4126.

38. After reviewing the records available to me regarding other judgments entered by this Court against the Iranian defendants, I have not identified any relief that has previously been awarded to any *Burnett/Iran X* Plaintiff.

39. Before filing this motion, I have (1) complied with the due diligence safeguards referenced in Section II.D. of the January 23, 2017 letter from the Plaintiffs' Executive Committees (ECF No. 3433) and (2) personally verified that, based on my review of the records available to me regarding other judgments entered by this Court against the Iranian defendants, no relief has previously been awarded to any plaintiff included in the judgment.

40. Accordingly, a proposed Order of Partial Final Judgment for the *Burnett/Iran X* Plaintiffs, conforming to the Court's previous orders, had been provided with Plaintiffs' motion.

Dated: August 31, 2019

/s/ John M. Eubanks
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